

# **Alabama State Bar**



## **Functional Analysis & Records Disposition Authority**

**Revision  
Presented to the  
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# Functional and Organizational Analysis of the Alabama State Bar

## Sources of Information

- Representatives of the Alabama State Bar
- Code of Alabama 1975 § 34-3-1 through § 34-3-108
- Code of Alabama 1907 Chapter 57 § 2972 through § 3009
- Code of Alabama 1896 Chapter 12 § 579 through § 611
- Code of Alabama 1867 Title IX Chapters 10 and 11 § 769 through § 779 and § 780 through § 814
- Code of Alabama 1867 Revised Title IX Chapter 10 § 861 through § 896
- Code of Alabama 1852 § 729
- Acts of Alabama 1987, No. 87-158
- Acts of Alabama 1995, No. 95-197
- Acts of Alabama 1927, p. 669
- Acts of Alabama 1821, June Session, p. 31
- Acts of Alabama 1819, p.68
- Alabama Rules of Disciplinary Procedure (as amended June 1996), Volume 23A, Code of Alabama
- Alabama Government Manual (2006), p. 466
- “Membership in the Alabama State Bar... All You Need to Know” brochure
- *The Alabama Lawyer*, vol. 58, no. 4, Bar Directory Edition, 1997.
- *Grace v. State*, 445 So. 2d 976 (Ala. Crim. App. 1983)
- *Berk v. State*, 225 Ala. 324, 142 So. 832 (1932)
- *Sullivan v. Alabama State Bar*, 295 F. Supp. 1216 (M.D. Ala.)
- *Simpson v. Alabama State Bar*, 294 Ala. 52, 311 So. 2d 307 (1975)
- *Ex parte Dozier*, 262 Ala. 197, 77 So. 2d 903 (1953)
- *Board of Bar Commissioners of the Alabama State Bar v. State ex. rel. William J. Baxley, Attorney General, et al.* 324 So. 2d 256 (Supreme Court of Ala. 1975)
- 84 ALR 740 (1932)
- 64 ALR 4th 1217
- 83 ALR 3d 749
- Pruitt, Paul M., Jr. “The Life and Times of Legal Education in Alabama, 1819-1897: Bar Admissions, Law Schools, and the Profession,” *Alabama Law Review*, vol. 49:1:281.
- Marston, Allison. “Guiding the Profession: The 1887 Code of Ethics of the Alabama State Bar Association,” *Alabama Law Review*, vol. 49:2:471.
- “Functional Analysis of Alabama Government” (1998)
- Government Records Division, State Agency Files (1985-ongoing)
- Government Records Division, State Agency Control Files (1985-ongoing)
- Holdings of the Department of Archives and History for the Alabama State Bar

## Historical Context

From territorial days, Alabama law defined an attorney as a person of good character who could

produce a valid license to practice. An 1819 statute required applicants to pass an unspecified examination before the Alabama Supreme Court. Two years later, in 1821, the legislature decreed that any two circuit judges could license a candidate to practice in the circuit or county courts of the state. This law did not require an examination, although it implied one.

Trial court judges oversaw most examinations with the Supreme Court retaining control over its own admissions. In 1852, the legislature established minimum standards of knowledge for would-be attorneys through an examination of candidates in defined legal fields (real property and personal property, pleading and evidence, commercial, criminal and chancery law, and Alabama statutes). In addition, the Code of Alabama 1852 required new attorneys to abide by a list of ethical duties and simplified the admissions process so that any circuit or chancery judge could issue licenses to practice in trial courts. An 1858 statute gave the Supreme Court the authority to conduct examinations for licensure by means of exam committees.

Founded in December 1878, the Alabama State Bar Association began as a coalition of about forty attorneys, many of whom practiced in areas with a growing urban or corporate bar. In 1879, the official charter of the State Bar Association was issued to Senator Edmund W. Pettus, Judge Leroy P. Walker, and Judge Peter Hamilton. The bar served as a professional association for attorneys and solicitors licensed to practice in the state of Alabama. While the legislature required all attorneys in the state to be licensed in order to practice, attorneys were not required to be members of the State Bar Association. In 1887, the Alabama State Bar Association adopted a code of ethics for practicing attorneys. The first of its kind in the United States, it was later used as a model for the American Bar Association's Model Code of Professional Responsibility and Model Rules of Professional Conduct.

The licensure of attorneys and solicitors was the responsibility of the courts. The requirements for licensure under this system were simple: any man of twenty-one years of age, of good moral character, and who possessed the requisite qualifications of learning and ability, was entitled to admission to practice in the courts of the state. Upon application and approval, licensed attorneys could practice only in the courts authorized by their license. An 1896 act required all would-be attorneys to apply to the circuit, chancery, or city court of his home county. The judge, having first passed upon the moral character of the applicant, administered a written examination on the fields of knowledge (real and personal property, pleading, evidence, commercial and criminal law, chancery law and pleading, statutes and constitutions). The judge sent the examination to a justice of the Supreme Court, who, with two of his colleagues, would grade it. If two of the three gave the paper a passing grade, the candidate was licensed to practice law in the state courts.

In 1907, the legislature created the Board of Examiners on Admission to the Bar. The board consisted of three members, who were practicing attorneys before the Supreme Court and inferior courts of the state, appointed by the Chief Justice of the Supreme Court. The duties of the board included the examination and approval of applications for admission to the bar. The board met twice a year in order to test applicants on their knowledge of the following topics: real property law, personal property law, pleading and evidence law, commercial law, criminal law, chancery and chancery pleadings, statute law of the state, professional ethics, constitutions of the United States and of Alabama, and political history of the United States and the formation of the constitutional governments therein. After the conclusion of the bar examination, the board

presented a list of approved applicants to the Chief Justice of the Supreme Court. The Supreme Court granted the applicants their licenses based on the recommendation of the board.

In 1923, the legislature created the Alabama State Bar. The Board of Bar Commissioners of the State Bar governed the business of the State Bar and supervised the work of the state bar. The board of examiners became part of the Alabama State Bar with oversight by the Board of Bar Commissioners. By this act, every lawyer licensed to practice law in the state became a member of the Alabama State Bar, thus ‘unifying’ the practice of law with membership in the state bar association. The legislature gave the board, and through it, the association, the authority to promulgate and enforce rules relating to admission to the bar, rules of ethics, and rules of discipline for its members, subject only to the approval of the Alabama Supreme Court. In this new organization, the Board of Bar Commissioners appointed the three-member Board of Examiners on Admission to the Bar. The State Bar, through the Board of Bar Commissioners, was also given the authority to conduct educational and social meetings and to publish a journal.

## **Agency Organization**

The organizational structure of the Alabama State Bar (ASB) consists of the Board of Bar Commissioners, the executive director and administrative staff, the general counsel, the Board of Bar Examiners, the Mandatory Continuing Legal Education Commission, disciplinary boards, and the Disciplinary Commission. The Alabama State Bar also supports a mandatory continuing legal education (CLE) program for members of the bar.

The Board of Bar Commissioners governs the State Bar. Its members are licensed attorneys in good standing with the bar, who are elected by the licensed attorneys with law offices located within the judicial circuit represented by the member. The board elects a secretary annually. The secretary serves as the executive director of the staff of the State Bar. The Board of Bar Commissioners appoints three panels of five members each to serve as disciplinary boards. An additional four-member Disciplinary Commission is also appointed by the board. The State Bar employs non-merit system employees, including the executive director.

## **Agency Function and Subfunctions**

The mandated function of the Alabama State Bar is to exercise general control over the conduct of all attorneys and to stimulate interest in improving the administration of justice in Alabama. The bar is the sole agency responsible for licensing and regulating the practice of law in Alabama, subject to the Rules of the Alabama Supreme Court and the Code of Alabama. As such, it is one of the agencies responsible for performing the Regulatory function of Alabama government as described in the “Functional Analysis of Alabama Government,” chapter 3. The State Bar also functions as a professional organization for the development and education of attorneys statewide.

In the performance of its mandated function, the Alabama State Bar may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** Subject only to the approval of the Alabama Supreme Court, the Alabama State Bar has the authority to promulgate and enforce rules relating to admissions, rules of ethics, and discipline of its membership. This subfunction encompasses all activities relating to this authority of the Alabama State Bar. Through its Board of Bar Commissioners and other committees and boards, the State Bar reviews the Alabama Rules of Professional Conduct and the Rules of Disciplinary Procedure and recommends amendments for approval by the Supreme Court and inclusion in the Rules of the Alabama Supreme Court. The Board of Bar Commissioners also reviews, recommends, and certifies for Supreme Court approval rules and requirements governing mandatory continuing education, admissions requirements, standards of character and fitness to practice, rules on legal specialization, and rules for appointment to agency boards and committees.
- **Evaluating and Examining.** Law students who intend to seek admission to the Alabama State Bar are required to register with the Alabama State Bar within 60 days of beginning law school. There is a progressive monetary penalty for application for registration as a law student filed after this time. Applications for registration as a law student undergo similar scrutiny as an application for admission to the Alabama State Bar, but certification of registration as a law student is not equivalent to certification for admission.

Upon completion of law school, an individual may apply for admission to the Alabama State Bar. Admission to the bar may be by examination, by transfer of an acceptable Uniform Bar Examination (UBE) score, or through reciprocal admission. There is no distinction between attorneys admitted by examination, by transfer of score, or by reciprocity.

The admissions office of the Alabama State Bar evaluates each application for admission. If there are no problems with the application, the office certifies the candidate for examination or admission without examination by transferred UBE score or by reciprocal admission. Applications which lack information or contain questionable information are referred to the Committee on Character and Fitness. The committee is empowered to investigate, require production of affidavits, and examine applicants in person, as necessary, to determine the character and fitness of the applicant.

The Alabama Bar Examination is given in February and July of each year and consists of the Uniform Bar Examination (UBE). The UBE is developed by the National Conference of Bar Examiners (NCBE) and consists of the Multistate Bar Examination (MBE), Multistate Essay Examination (MEE) and Multistate Performance Test (MPT). The MBE is a 200-question multiple choice exam that is scored by NCBE. The MEE and MPT are written components that are graded and scored by the Alabama Board of Bar Examiners.

Individuals who take the UBE in a jurisdiction that has agreed to the conditions of use for the UBE may earn a portable UBE score. Score portability allows an individual to transfer his or her UBE score to another UBE jurisdiction, if the score is acceptable in that jurisdiction. Alabama allows the transfer out of UBE scores earned in Alabama and

accepts transfer of UBE scores earned in other UBE jurisdictions. While the bar examination is uniform in all UBE jurisdictions, each jurisdiction sets its passing (transfer) score, admission eligibility requirements, and character and fitness standards.

An individual may also seek admission to the Alabama State Bar, if the applicant is admitted to practice law in a jurisdiction that maintains a reciprocal agreement with Alabama. The requirements for reciprocal admission are set out in Rule III of the Rules Governing Admission to the Alabama State Bar, and Alabama may enter a reciprocal agreement with another jurisdiction if that jurisdiction maintains a similar rule that is considered compatible with Rule III.

Out-of-state attorneys representing a client before an Alabama court are not required to seek full admission to the bar but must apply for *Pro Hac Vice* membership, or temporary bar membership.

The Board of Bar Examiners develops bar admission policy and administers the bar exam, subject to rules approved by the Board of Bar Commissioners and promulgated by the Supreme Court.

- **Licensing and Accrediting.** By law (Code of Alabama 1975 § 34-3-1 through § 34-3-108) all individuals practicing law in the state are required to be licensed by the Alabama State Bar. Two classifications of licensure exist: 1) regular members actively practicing law, and 2) special members who meet the qualifications to practice law but are currently not practicing. Once an individual passes the bar exam, he or she becomes a member of the State Bar Association. All members holding an active license participate in a mandatory continuing legal education program and pay annual renewal fees in order to maintain licensure.

A licensed attorney may specialize in one or more areas of law practice and may choose to be certified in these areas. The State Bar's accreditation board oversees the operation of law specialty organizations. The Alabama State Bar Board of Legal Specialization reviews the applications of these organizations seeking accreditation in Alabama as certifying agencies. Once accredited, the organization may then certify attorneys as specialists in that organization's specialty area. The State Bar tracks the operation of these agencies and maintains listings of organization members.

Out-of-state attorneys representing a client before an Alabama court must apply for *Pro Hac Vice* membership, or temporary bar membership. The attorney submits a licensure application to the court he/she is to practice before and to the membership office of the State Bar for review. The State Bar grants temporary membership, or *Pro Hac Vice* membership, to out-of-state attorneys (in good standing in their 'home' bar organization) who are representing a client in Alabama's courts. The court notifies the State Bar of acceptance of the application by issuing an order of the court allowing the attorney admittance. If there are no problems on the attorney's application, the State Bar will issue a *Pro Hac Vice* membership to the attorney for the duration of the case.

Lawyers who serve as house counsel in Alabama and are not licensed members of the Alabama State Bar (ASB) must register to become Authorized House Counsel. The foreign attorney submits an application, a filing fee, a certificate of good standing and a statement of discipline from the jurisdiction where the attorney is licensed to practice law. The ASB reviews the application and files the name and address of the applicant with the Supreme Court of Alabama for certification as Authorized House Counsel. The applicant is required to register and pay a fee annually. An Authorized House Counsel may only provide legal services to the business organization by which he/she is employed and may not make appearances as counsel in any Alabama court unless he/she is admitted *Pro Hac Vice*.

- **Disciplining.** Members of the State Bar are expected to adhere to codes of professional ethics and conduct. These codes are stated in the Alabama Rules of Professional Conduct, adopted by the Alabama Supreme Court and included in the Rules of the Alabama Supreme Court. A four-member disciplinary commission administers the rules governing conduct of lawyers and rules of disciplinary procedure. Complaints against attorneys are investigated by staff members of the Center for Professional Responsibility or approved local bar association grievance committees. Results and recommendations from these investigations are forwarded to the disciplinary commission. If charges are recommended, one of three disciplinary panels or boards hears the case and takes appropriate action to carry out the purposes of the Alabama Rules of Professional Conduct. Types of discipline, in decreasing order of severity, are disbarment, suspension, interim suspension, public reprimand, private reprimand, and probation.
- **Educating.** The State Bar requires active licensed attorneys to complete minimum continuing legal education (MCLE) requirements. The MCLE Commission of the Alabama State Bar accredits programs and sponsors, grants waivers and exemptions to MCLE requirements, and makes policy decisions consistent with the rules adopted by the court. Attorneys who fail to timely comply with the MCLE rules and regulations may ultimately be subject to disciplinary action.

The State Bar seeks to educate its membership and the public on the activities of the State Bar by conducting outreach and in-service programs, supporting participation in professional associations, and participating in educational projects. Examples of educational programs in which the State Bar participates include National Law Day and Bar Leadership Forum.

- **Editing and Publishing.** As a service to its membership, the State Bar publishes several publications available to both non-members and members online. *The Alabama Lawyer* is one of the two official publications of the bar; the other is the “ADDENDUM.” The State Bar also publishes several informational brochures for the benefit of the public as well as its members.
- **Providing Services to the Public.** As a service to the public, the State Bar operates a lawyer referral service and a volunteer lawyers program. Non-indigent individuals needing an attorney are referred to a service member in their county who handles the



needed type of legal matter. Attorneys participating in the service pay an annual member fee and must maintain professional liability insurance. Members provide individuals a thirty-minute consultation for a nominal fee to determine if legal services are needed. Indigent individuals needing legal assistance and representation may be referred to an attorney participating in the State Bar's volunteer lawyer program for pro bono services.

An additional service to the public provided by the State Bar is the administration of the Client Security Fund. The Client Security Fund allows clients of an attorney to apply for reimbursement of money or property lost due to the dishonest conduct, death, bankruptcy, or disbarment of the attorney. A nine-member committee administers the fund, evaluates and pays claims, and promulgates procedures. The State Bar assesses an annual fee to all active licensed attorneys to support the fund.

- **Providing Services to Members.** As a service to its membership, the State Bar monitors key legislation of interest to its members and provides specialty sections or groups in which attorneys may participate. Each session, the legislative counsel of the State Bar monitors legislation of particular interest to the membership as a whole or to one section. A tracking sheet is posted on the State Bar's website to keep members up to date on the legislative session.

Law specialty sections include administrative law, bankruptcy and commercial law; business torts and antitrust law; communications law; corporate counsel; corporate law; criminal law; disabilities law; elder law; environmental law; family law; health law; international law; labor and employment law; litigation; oil, gas and mineral law; professional economics and technology; real property, probate and trust law; taxation; workers' compensation law; and young lawyers. The State Bar creates additional sections for legal specialties as interests are identified (potential new sections include military law, women in the law, and intellectual property). Many sections present programs during the annual meeting of the State Bar. Others hold special program meetings separate from the annual meeting.

The State Bar provides assistance with the nuts and bolts of daily operation of a law practice to solo practitioners and small firms. Solo practitioners and small firms without the resources or training to handle the business aspects of their practices may utilize clearinghouse information provided by the Practice Management Assistance Program (PMAP). PMAP provides a lending library of practice management related materials, forms, discounts on books, articles and magazines, lists of software, and sources for insurance. PMAP also sponsors and provides CLE opportunities.

The Alabama Lawyer Assistance Program provides educational, intervention, referral, and monitoring services to Alabama lawyers, judges, and law students suffering from drug addictions and/or other types of mental health problems. Intervening early before matters of misconduct arise protects the interest of public safety and ensures that members committed to public services, are themselves, offered help in time of need.

- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support its programmatic areas including:

**Managing the Agency:** Activities include internal office management activities common to most government agencies such as corresponding and communicating, scheduling, meeting, documenting policy and procedures, reporting, litigating, legislating (drafting, tracking), publicizing and providing information, managing records, and managing information systems and technology.

**Managing Finances:** Activities include budgeting (preparing and reviewing budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

**Managing Human Resources:** Activities include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits to employees such as leave, health insurance, unemployment compensation, worker's compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; and disciplining.

**Managing Properties, Facilities, and Resources:** Activities include inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; leasing and/or renting offices or facilities; providing security for property managed by the agency; insuring property; and assigning, inspecting and maintaining agency property.

# Analysis of Record Keeping System and Records Appraisal of the Alabama State Bar

## Agency Record Keeping System

The Alabama State Bar operates a hybrid record keeping system composed of paper and electronic records. The Executive Director is the custodian of all State Bar records.

**Computer Systems:** The State Bar utilizes a LAN (Local Area Network) to provide computing capabilities for the staff. The personal computers within the agency are networked across a variety of switches with an Ethernet backbone. The LAN has approximately 150 devices attached, including personal computers, printers, servers, switches, storage, etc. The LAN is connected to the Internet and sits behind a firewall. The servers provide application services such as user authentication, domain name services, file storage, email, database, and various application specific jobs. The system is backed-up daily and the tape media is stored offsite weekly.

The State Bar maintains a database on the agency's server(s) that may contain, among other items, the following components:

- 1) Membership Database – used to maintain data on active and deceased members; and to track *Pro Hac Vice* admissions and Authorized House Counsel certifications
- 2) Mandatory Continuing Legal Education (MCLE) Database – used to maintain compliance reporting information and CLE sponsor data
- 3) Admissions Database – used to maintain data on law students and individuals who have applied to take the bar exam, exam results, and statistics. The State Bar has recently implemented a third-party vendor for the Admissions Database and future admissions will be done through the vendor's system.

The agency maintains a website managed by ASB at [www.alabar.org](http://www.alabar.org). The website contains information about the bar and its various services as well as a member specific dashboard for each State Bar member. The agency also uses social media to reach out to its members.

**Paper-based System:** Staff members still create and maintain some of the agency's records in paper form. The State Bar does not have a records management procedural manual for guiding staff in records storage, transfer, and disposition activities for paper.

## Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama State Bar: Temporary Records and Permanent Records.

**I. Temporary Records.** Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal and administrative requirements have been met. Some of the temporary records created by the Alabama State Bar are discussed below:

- **Meeting Agendas, Minutes, Packets, and Other Related Documents of Agency Internal Commissions.** The agency has in place several internal commissions (i.e. Mandatory Continuing Legal Education [MCLE] and Disciplinary Commission) to enforce rules and regulations of the State Bar related to continuing legal education and discipline. Actions of commissions are reported to the Board of Bar Commissioners and included in its official meeting minutes.
- **Meeting Agendas, Minutes, Packets, and Other Related Documents of Agency Internal Committees, Task Forces, and Sections.** The agency also has some internal committees, task forces, and sections in place to assist the staff in various aspects of business. For example, committees conduct business of the legal profession. Task forces evaluate the merit of specific projects of interest to the Board of Bar Commissioners (BBC) while sections promote programs for a specific area of the practice of law. All of them do not have authority to mandate changes to the rules that govern the legal profession but may make recommendations to the BBC for consideration. Since the official meeting minutes of the BBC reflect major discussion, reports, and recommendations of these internal entities, this series does not need to be kept permanently.
- ***Pro Hac Vice* Member Files.** An attorney who is not licensed to practice law in Alabama, but who is currently a member in good standing of the bar of another state, the District of Columbia, or other United States jurisdiction, may apply for temporary membership in the Alabama State Bar. The attorney may appear as counsel *pro hac vice* before any court of the state and represent a client before the court in a specific case or matter. These records document out-of-state attorneys who have complied with Rules Governing Admission to the Alabama State Bar, Admission of Foreign Attorneys *Pro Hac Vice*. These records do not have the same historical value as the Deceased Member Files discussed below. A *Pro Hac Vice* member applies for membership each time he/she represents a client on a specific matter. Membership may be for a solo practitioner or for a member of a firm representing a client in Alabama's courts.
- **Authorized House Counsel Files.** Attorneys who are not admitted to practice in Alabama but are serving as house counsel to companies in Alabama must register with the Alabama State Bar and be recognized as "Authorized House Counsel." The attorney must be in good standing in all jurisdictions where he/she is admitted to practice law and must not be subject to any disciplinary proceedings in any jurisdiction at the time of application. An Authorized House Counsel must renew his/her registration annually by paying a renewal fee and certifying that he/she remains in good standing with no disciplinary proceedings in any jurisdiction until termination or withdrawal of registration.

- **Unauthorized Practice of Law Files.** The definition of the practice of law is established by law and varies from one jurisdiction to another. Whatever the definition, limiting the practice of law to members of the bar protects the public against the rendering of legal services by unqualified individuals. These files document disciplinary actions against both member and non-members of the bar who have violated Rule 5.5 of the Rules of Professional Conduct by: (1) practicing law in a jurisdiction, where doing so violates the regulation of the legal profession in that jurisdiction, or (2) assisting a person who is not a member of the bar in practicing law. Because future disciplinary actions may refer to past discipline, these records must be retained for the career of a member.
- **Client Security Fund Files (referred for disciplinary action).** An attorney who is subject to the assessment of a fee pursuant to Rule 8 of the Client Security Fund Rules and who fails to pay the fee is not in compliance and is subject to disciplinary action. These files document such non-compliance by bar members and record the disciplinary hearings and actions taken by the Disciplinary Commission. Because future disciplinary actions may refer to past discipline, these records must be retained for the career of a member.
- **Continuing Legal Education Files (referred for disciplinary action).** An attorney is subject to continuing legal education requirements outlined in the Mandatory Continuing Legal Education (MCLE) Rules and Regulations. If an attorney fails to acquire the minimum hours of approved credits during the year or fails to file required paperwork, the attorney is not compliant. These files serve as documentation of an attorney's non-compliance and a record of the disciplinary hearings and actions of the Disciplinary Commission. Because future disciplinary actions may refer to past discipline, these records must be retained for the career of a member.
- **Alabama Lawyers Assistance Program Referral Files.** This series contains records regarding treatment, compliance, and discipline of individual lawyer's substance abuse problems. The agency staff maintains this series for reference in case the individual has problems again. The self or third-party referrals are made by the individual or family members, and there is no permanent discipline imposed on these individuals.

**II. Permanent Records.** The Archives Division recommends the following records as permanent.

### **Promulgating Rules and Regulations**

- **Board of Bar Commissioners Meeting Agenda, Minutes, and Packets.** The Board of Bar Commissioners is charged with administering the work of the State Bar. It promulgates and approves rules of professional conduct, discipline, and admission to the bar. It reviews and approves the contents of the bar exam and establishes the criteria for character and fitness within the state profession. These records document the actions of the board and provide high level documentation of the administration of the agency's work. **(Bibliographic Title: Board of Bar Commissioners Meeting Files)**

## Evaluating and Examining

- **Bar Examination – Master File.** These files consist of the examinee lists with exam scores for each session of the bar examination. These files serve as an academic record for future reference and provide the State Bar with historical documentation on the administration of the bar exam. **(Bibliographic Title: Not Applicable) (Maintained by Alabama State Bar)**
- **Bar Examination – Alabama Essay Exam Materials.** Applicants for licensure as attorneys must pass a bar examination. A Board of Bar Examiners, appointed by the Board of Bar Commissioners, is responsible for developing and maintaining a bar exam. The State Bar maintains copies of each bar exam for reference and historical purposes. These exams document the changes in the legal profession in the state through the addition and changes within the exam itself. Bar examination Alabama essay exam materials may include questions and model answers. This series is obsolete after the February 2014 Bar Examination. The Alabama Essay Examination was eliminated from bar examination (Rule VI[B]A). **(Bibliographic Title: Not Applicable) (Maintained by Alabama State Bar)**

## Licensing and Accrediting

- **Membership Statistics.** These reports provide statistical information on the membership of the State Bar. Examples of statistics collected include race, education, and locality. **(Bibliographic Title: Not Applicable) (Maintained by Alabama State Bar)**
- **Member Files.** Under the Code of Alabama 1975 § 34-3-1 through § 34-3-108, the State Bar is obligated to screen applicants and issue licenses to qualified attorneys who have met all the bar certification requirements. Because the legal profession has historically been a profession from which to enter politics in the state, these files once provided biographical and professional documentation of Supreme Court justices, governors, legislators, and other prominent Alabama citizens; however, the State Bar no longer maintains this type of documentation as a matter of course in the member files created since that date. **(Bibliographic Title: Not Applicable) (Maintained by Alabama State Bar)**

## Editing and Publishing

- **“ADDENDUM” Newsletter.** Published on a bi-monthly basis, this newsletter contains a variety of professional information ranging from office management techniques to local bar activities and public service projects. **(Bibliographic Title: State Publications)**
- ***The Alabama Lawyer Magazine.*** The State Bar edits and publishes this magazine six times a year as a service to its membership. The magazine provides an arena for professional debate and development, and contains articles by members, editorials, and advertisements. **(Bibliographic Title: State Publications)**

- **Informational and Promotional Publications.** The State Bar publishes a variety of brochures, flyers, and other publications designed to assist the public in selecting an attorney, to provide advice on legal matters, and to provide instruction on bar policy and procedure. The majority of the agency's publications are available on the agency's website. **(Bibliographic Title: State Publications)**
- **News Releases.** These records document news releases of the department, its divisions and staff, and the Board of Bar Commissioners on a variety of law topics including National Law Day activities, continuing education opportunities, award and contest announcements, and policy decisions. **(Bibliographic Title: State Publications)**
- **Video/Audio Files.** These records provide documentation of video/audio presentations produced by the State Bar on the legal profession. **(Bibliographic Title: State Publications)**

## **Administering Internal Operations**

- **Website and Social Media Sites(s).** The agency has a website at [www.alabar.org](http://www.alabar.org). Information on the website includes board of bar commissioners, news releases, rules and regulations, staff directory, searchable bar membership directory, various programs and services, online publications, statistics, and forms. ADAH staff capture and preserves the agency's website and other social media sites via a service offered by the Internet Archive [Archive It]. Any content behind password protected or login would not be captured by ADAH. Check with the ADAH website at [www.archiveit.org/organizations/62](http://www.archiveit.org/organizations/62) to ensure you agency and social media site(s) are captured and preserved. If your agency's website and social media site(s) are not captured by the service, please contact the Archives Division at 334-242-4452 to get them included. **(Bibliographic Title: Website and Social Media Site[s])**
- **Legal Formal Ethics Opinions of the General Counsel.** These records document the general counsel's activities in issuing opinions interpreting state law, bar rules, the rules of professional conduct and procedure implementation. **(Bibliographic Title: Not Applicable) (Maintained by Alabama State Bar)**
- **Approved Annual Budget.** This record is a core financial document of the State Bar documenting the accounts and annual budget of the agency. **(Bibliographic Title: Not Applicable) (Maintained by Alabama State Bar)**
- **General Ledgers.** This record is a core financial document of the State Bar. It provides evidence of the disbursement and expenditure of funds of the State Bar. **(Bibliographic Title: Not Applicable) (Maintained by Alabama State Bar)**
- **Deeds and Mortgage Papers.** These records have long-term legal value documenting property ownership and construction of the State Bar building by the Alabama State Bar Foundation. **(Bibliographic Title: Not Applicable) (Maintained by Alabama State Bar)**

# **Permanent Records List**

## **Alabama State Bar**

### **Promulgating Rules and Regulations**

1. Board of Bar Commissioners Meeting Agendas, Minutes, and Packets

### **Evaluating and Examining**

1. Bar Examination – Master File\*
2. Bar Examination – Alabama Essay Exam Materials\*

### **Licensing and Accrediting**

1. Membership Statistics\*
2. Member Files\*

### **Editing and Publishing**

1. “ADDENDUM” Newsletter
2. *The Alabama Lawyer* Magazine
3. Informational and Promotional Publications
4. News Releases
5. Video/Audio Files

### **Administering Internal Operations**

1. Website and Social Media Site(s)
2. Legal Formal Ethics Opinions of the General Counsel\*
3. Approved Annual Budget\*
4. General Ledgers\*
5. Deeds and Mortgage Papers\*

\* indicates records that ASB determined should be retained permanently and that ADAH anticipates will remain in the care and custody of the creating agency.

ADAH staff is available to work with agency staff in determining the best location and storage conditions for the long-term care and maintenance of permanent records.



# **Alabama State Bar Records Disposition Authority**

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and § 41-13-20 through 21. It was compiled by the Archives Division, Alabama Department of Archives and History (ADAH), which serves as the Commission's staff, in cooperation with representatives of the Agency. The RDA lists records created and maintained by the Agency in carrying out their mandated functions and activities. It establishes minimum retention periods and disposition instructions for those records and provides the legal authority for the Agency to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, § 36-12-4, and § 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

## **Explanation of Records Requirements**

The RDA shall govern the disposition of all records, regardless of format, created by the agency from creation to dissolution. Please contact the staff of the Department of Archives and History before destroying any records created prior to 1940.

This RDA supersedes any previous records disposition schedules or RDAs governing the retention of the records created by the Agency. Copies of superseded schedules are no longer valid and may not be used for records disposition.

The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.

Certain other record-like materials are not actually regarded as official records and may be disposed of under this RDA. Such materials include (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document agency activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes, may include, but are not limited to, telephone call-back messages, drafts of ordinary documents not needed for their evidential value, copies of material sent for information purposes but not needed by the receiving office for future business, and internal communications about social activities; (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff. They may be disposed of without documentation of destruction.

## **Records Disposition Requirements**

This section of the RDA is arranged by subfunctions of the Agency and lists the groups of records created and/or maintained as a result of activities and transactions performed in carrying out these subfunctions. The Agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular biannual meetings.

### **Promulgating Rules and Regulations**

#### **BOARD OF BAR COMMISSIONERS MEETING AGENDAS, MINUTES, AND PACKETS (includes minutes of meetings and annual business meeting)**

Disposition: PERMANENT RECORD.

#### **Meeting Agendas, Minutes, Packets, and Other Related Documents of Agency Internal Commissions**

Disposition: Temporary Record. Retain 5 years after the end of the fiscal year in which the records were created.

#### **Meeting Agendas, Minutes, Packets, and Other Related Documents of Agency Internal Committees, Task Forces, and Sections**

Disposition: Temporary Record. Retain for useful life.

#### **Recordings of Meetings**

Disposition: Temporary Record. Retain until the official minutes are adopted and signed.

#### **Printouts of Acknowledgment from the Secretary of State Relating to Notices of Meetings Posted by State Agencies**

Disposition: Temporary Record. Retain 3 years.

### **Evaluating and Examining**

#### **Applicant Files**

- a. Applicant files for applicants who have completed admissions process.  
Disposition Instructions: Transfer to Membership.
- b. Applicant Files for applicants who appear before the Committee on Character and Fitness and who have not completed the admissions process.  
Disposition: Temporary Record. Retain for useful life.
- c. Applicant files for applicants who do not complete the admissions process and who fail to communicate with the Admissions Office for a period of five (5) years.  
Disposition: Temporary Record. Retain 5 years after last communication with Admissions Office.

## **Bar Examination**

- a. BAR EXAMINATION – MASTER FILE. Master file may include examinee lists (alpha and numeric), seating charts, roll call sheets, monitor reports, computer testers information, grading sheets, results lists (pass, fail, and deficient), and score information (raw and scaled.)  
Disposition: PERMANENT RECORD. Retain in office.
- b. Bar Examination – Examinee Files. Bar examination examinee files may include examination papers checklist and failed examinee answers.  
Disposition: Temporary Record. Retain sixty (60) days after release of bar examination results.
- c. BAR EXAMINATION – ALABAMA ESSAY EXAM MATERIALS. Bar examination Alabama essay exam materials may include questions and model answers.  
Disposition: PERMANENT RECORD. Retain in office (Obsolete after the February 2014 Bar Examination. The Alabama Essay Examination was eliminated from bar examination (Rule VI[B]A).

## **Character and Fitness Committee General Files**

Disposition: Temporary Record. Retain 7 years.

## **Licensing and Accrediting**

### **Specialty Certification Files**

- a. Annual Lists of Specialty Certified Attorneys  
Disposition: Temporary Record. Retain 3 years.
- b. Approvals of Certifying Agencies  
Disposition: Temporary Record. Retain 3 years after certifying agency ceases to operate in the state.
- c. Certifying Agency Annual Reports  
Disposition: Temporary Record. Retain 3 years.

## **Authorized House Counsel Files (attorney applications and annual renewal forms)**

Disposition: Temporary Record. Retain 5 years after termination or withdrawal.

## **Membership Files**

- a. Membership Database  
Disposition: Temporary Record. Retain until superseded.
- b. MEMBERSHIP STATISTICS  
Disposition: PERMANENT RECORD. Retain in office.

- c. MEMBER FILES  
Disposition: PERMANENT RECORD. Retain in office.
- d. *Pro Hac Vice* (PHV) Member Files Attorney Applications  
Disposition: Temporary Record. Retain 10 years.
- e. *Pro Hac Vice* (PHV) Member Files Statements and Orders  
Disposition: Temporary Record. Retain 10 years.

## **Disciplining**

### **Complaint Screening Procedure (CSP) Files**

Disposition: Temporary Record. Retain 6 years after complaint is dismissed.

### **Alabama State Bar Disciplinary Files (ASB Files)**

- a. Cases Resulting in Disciplinary Action  
Disposition: Temporary Record. Retain for the life of the member.
- b. Cases dismissed without discipline  
Disposition: Temporary Record. Retain 6 years.

### **Character and Fitness Appellate Files**

- a. Licensed Individuals  
Disposition: Temporary Record. Retain for the life of the member.
- b. Unlicensed Individuals  
Disposition: Temporary Record. Retain 50 years.

### **Unauthorized Practice of Law (UPL) Files**

- a. Bar Members UPL Files
  - i. Bar Members UPL Files (if disciplinary action is taken)  
Disposition: Temporary Record. Retain for the life of the member.
  - ii. Bar Members UPL Files (if no disciplinary action is taken).  
Disposition: Temporary Record. Retain 6 years.
- b. Unlicensed Individuals UPL Files
  - i. Unlicensed Individuals UPL Files (if disciplinary action is taken)  
Disposition: Temporary Record. Retain 6 years.

- ii. Unlicensed Individuals UPL Files (if no disciplinary action is taken)  
Disposition: Temporary Record. Retain 1 year.

### **Client Security Funds (CSF) Files**

- a. Client Security Funds File (referred for disciplinary action)  
Disposition: Temporary Record. Retain for life of the member.
- b. Client Security Funds File (if no disciplinary action was taken)  
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

### **Continuing Legal Education (CLE) Files**

- a. Continuing Legal Education (CLE) Files (referred for disciplinary action)  
Disposition: Temporary Record. Retain for the life of the member.
- b. Continuing Legal Education (CLE) Files (if no disciplinary action is taken)  
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

## **Educating**

### **Mandatory Continuing Legal Education (MCLE) Returned Compliance Reports**

Disposition: Temporary Record. Retain 1 year.

### **Mandatory Continuing Legal Education (MCLE) Processed Applications**

Disposition: Temporary Record. Retain 1 year.

### **Professional Organization Records (i.e. NABE/ABA, PRCA/ACAE, Kiwanis Club)**

Disposition: Temporary Record. Retain 1 year.

### **Road Show Materials**

Disposition: Temporary Record. Retain 3 years.

### **National Law Day Files**

Disposition: Temporary Record. Retain 3 years.

### **Annual Meeting and Other Conference/Retreat Records**

Disposition: Temporary Record. Retain 5 years.

### **Convention Database**

Disposition: Temporary Record. Retain until data is obsolete.

## **Editing and Publishing**

### **“ADDENDUM” NEWSLETTER**

Disposition: PERMANENT RECORD.

### ***THE ALABAMA LAWYER MAGAZINE***

Disposition: PERMANENT RECORD.

### **Previous Advertisers and Subscribers**

Disposition: Temporary Record. Retain 6 years after settlement of any claims due.

## **INFORMATIONAL AND PROMOTIONAL PUBLICATIONS**

Disposition: PERMANENT RECORD.

### **NEWS RELEASES**

Disposition: PERMANENT RECORD.

### **Form, Pamphlet and Publication Working Files (computer file)**

Disposition: Temporary Record. Retain for useful life.

### **VIDEO/AUDIO FILES**

Disposition: PERMANENT RECORD.

## **Providing Services to the Public**

### **Lawyer Referral Service**

- a. Lawyer Referral Service Program Database  
Disposition: Temporary Record. Retain until superseded.
- b. Lawyer Referral Service Attorney Applications and Correspondence  
Disposition: Temporary Record. Retain 4 years.
- c. Lawyer Referral Service Correspondence with the public  
Disposition: Temporary Record. Retain 4 years.
- d. Lawyer Referral Service Board Agendas, Minutes, Packets and Other Related Documents  
Disposition: Temporary Record. Retain 10 years.

### **Volunteer Lawyer Program**

- a. Volunteer Lawyer Program Database  
Disposition: Temporary Record. Retain until superseded.
- b. Volunteer Lawyer Program Applications and Appointments  
Disposition: Temporary Record. Retain 4 years.

- c. Volunteer Lawyer Program Referral Forms  
Disposition: Temporary Record. Retain 4 years.

### **Client Security Fund Files**

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

## **Providing Services to Members**

### **Legislative Reports**

Disposition: Temporary Record. Retain for useful life.

### **Informal Ethics Opinions of the General Counsel**

Disposition: Temporary Record. Retain for useful life.

### **Educational Materials**

Disposition: Temporary Record. Retain until obsolete.

### **Advertisement Review Files (Advertising Files)**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

## **Alabama Lawyer Assistance (ALAP) Program Records**

- a. ALAP Library Materials  
Disposition: Temporary Record. Retain until obsolete.
- b. ALAP Project Files  
Disposition: Temporary Record. Retain 5 years.
- c. ALAP Character and Fitness Committee Program Referral Files for Members  
Disposition: Temporary Record. Retain for the life of the member.
- d. ALAP Character and Fitness Committee Program Referral Files for Unlicensed Individuals  
Disposition: Temporary Record. Retain 7 years.
- e. ALAP Office of General Counsel (OGC) Referral Files  
Disposition: Temporary Record. Retain for the life of the member.

## **Practice Management Assistance Program (PMAP) Records**

- a. PMAP Library Materials  
Disposition: Temporary Record. Retain until obsolete.

- b. PMAP Project Files  
Disposition: Temporary Record. Retain 5 years.
- c. PMAP Consultation Files  
Disposition: Temporary Record. Retain 10 years.
- d. PMAP Office of General Counsel (OGC) Referral Files  
Disposition: Temporary Record. Retain 10 years.

## **Administering Internal Operations: Managing the Agency**

### **WEBSITE AND SOCIAL MEDIA SITE(S)**

Disposition: PERMANENT RECORD.

*(ADAH staff capture and preserve the agency's website and other social media sites via a service offered by the Internet Archive [Archive It]. Any content behind password protected or login would not be captured by ADAH. Check with the ADAH website at [www.archiveit.org/organizations/62](http://www.archiveit.org/organizations/62) to ensure your agency and social media site(s) are captured and preserved. If your agency's website and social media site(s) are not captured by the service, please contact the Government Services Division at 334-242-4452 to get them included.)*

### **Election Files**

Disposition: Temporary Record. Retain for the life of the appeals process.

### **LEGAL FORMAL ETHICS OPINIONS OF THE GENERAL COUNSEL**

Disposition: PERMANENT RECORD. Retain in office.

### **Litigation Files**

Disposition: Temporary Record. Retain 10 years after final disposition.

### **Records documenting employee appeal of formal reprimands, demotions, transfers, or terminations**

Disposition: Temporary Record. Retain 3 years following decision.

### **Records documenting Equal Employment Opportunity Commission (EEOC) complaints and lawsuits**

Disposition: Temporary Record. Retain 5 years after final settlement.

### **Records documenting Board of Adjustment claims**

Disposition: Temporary Record. Retain 5 years after final settlement.

### **Routine Correspondence**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

### **Public Requests for Information**

Disposition: Temporary Record. Retain until request is addressed.



**Administrative Reference Files**

Disposition: Temporary Record. Retain for useful life.

**Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to Archives or State Records Center, evidence of obsolete records destroyed, and annual reports to State Records Commission)**

Disposition: Temporary Record. Retain 1 year after audit.

**Copies of Approved RDA**

Disposition: Temporary Record. Retain 1 year after the audit for the fiscal year in which the RDA is superseded.

**Computer systems documentation (hardware/software manuals and diskettes, warranties)**

Disposition: Temporary Record. Retain documentation of former system 1 year after audit for the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

**Administering Internal Operations: Managing Finances****APPROVED ANNUAL BUDGET**

Disposition: PERMANENT RECORD. Retain in office.

**GENERAL LEDGERS**

Disposition: PERMANENT RECORD. Retain in office.

**Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance**

Disposition: Temporary Record. Retain 1 year after audit.

**Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products**

Disposition: Temporary Record. Retain 1 year after audit.

**Records of original entry or routine accounting transactions, such as journals, registers, and ledgers, and records of funds deposited outside the state treasury**

Disposition: Temporary Record. Retain 1 year after audit.

**Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries**

Disposition: Temporary Record. 1 year after audit.

**Records documenting contracts for services or personal property**

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

**Records documenting the bid process (including requests for proposals and unsuccessful responses)**

- a. Sealed Bids over \$15,000  
Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened (Code of Alabama 1975 § 41-16-24).
- b. Other Bids  
Disposition: Temporary Record. Retain for 10 years after the award of the contract, then destroy.

**Audit Reports**

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

**Administering Internal Operations: Managing Human Resources**

**Records documenting payroll (e.g. pre-payroll reports, payroll check registers)**

Disposition: Temporary Record. Retain 1 year after audit.

**Records documenting payroll deduction authorizations**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records documenting payroll deductions for tax purposes (including Form 941)**

Disposition: Temporary Record. Retain 1 year after audit.

**Records documenting an employee's work history - generally maintained as a case file**

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

**Records documenting employees' daily and weekly work schedules**

Disposition: Temporary Record. Retain 1 year after audit.

**Records documenting an employee's hours worked, leave earned, and leave taken (including time sheets)**

Disposition: Temporary Record. Retain 1 year after audit.

**Records documenting leave donations**

Disposition: Temporary Record. Retain 1 year after audit.

**Records of final leave status (cumulative leave)**

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

### **Employee Benefits Plan Files**

- a. General information  
Disposition: Temporary Record. Retain until superseded.
- b. Other (applications, correspondence)  
Disposition: Temporary Record. Retain 6 years.

### **State Employee Injury Compensation Trust Fund Files**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

## **Administering Internal Operations: Managing Properties, Facilities, and Resources**

### **DEEDS AND MORTGAGE PAPERS**

Disposition: PERMANENT RECORD. Retain in office.

### **SEMIANNUAL INVENTORY LISTS**

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 36-16-8[1]).

### **Transfer of State Property Forms (SD-1) (Agency copies)**

Disposition: Temporary Record. Retain 1 year after audit.

### **Property Inventory Computer Files**

Disposition: Temporary Record. Retain 1 year after the fiscal year in which the items were removed from the inventory.

### **Receipts of Responsibility for Property**

Disposition: Temporary Record. Retain until return of item to property manager.

### **Real Property Leasing/Renting Records**

Disposition: Temporary Record. Retain 6 years after expiration of the lease.

### **Facilities/Building Security Records (including visitor logs)**

Disposition: Temporary Record. Retain 1 year after audit.

### **Insurance Policies/Risk Management Records**

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

### **Building Maintenance Work Orders**

Disposition: Temporary Record. Retain 1 year.

# **Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)**

## **Requirement**

Under the Code of Alabama 1975 § 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Agency as stipulated in this document.

One condition of this authorization is that the Agency submit an annual Records Disposition Authority (RDA) Implementation Report on its activities, including documentation of records destruction, to the State Records Commission.

## **Recommendations**

In addition, the Agency should make every effort to establish and maintain a quality record-keeping program by conducting the following activities:

The Agency should designate a staff member in a managerial position as its records liaison/records manager, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.

Permanent records in the Agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.

Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis – for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the Open Meetings Act, audit requirements, or any legal notice or subpoena.

The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records’ permanent preservation and accessibility.

Electronic mail contains permanent, temporary, or transitory record information. Although e-mail records can be printed out, filed, and retained according to the RDA’s requirements, the

office should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving messages having long-term value.

The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the Agency and inspect records destruction documentation. Agency records managers and/or the ADAH archivists are available to instruct the staff in RDA implementation and otherwise assist the Agency in implementing its records management program.

The State Records Commission adopted this revision to the Records Disposition Authority on May 24, 2017.

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Steve Murray, Chairman  
State Records Commission

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Date

By signing below, the agency acknowledges receipt of the retention periods and requirements established by the records disposition authority.

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Keith Norman, Executive Director  
Alabama State Bar

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Date